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EXAMINER

CAO, PHUONG THAO

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|-------------------------------------|--|
| Office Action Summary | Application No. 10/798,459 | Applicant(s) UHLIR ET AL. | |
| | Examiner Phuong-Thao Cao | Art Unit 2164 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-41 and 43-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-41 and 43-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/23/2009 & 06/01/2010</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to Amendment filed on 02/16/2010.
2. Claims 48-50 have been amended, claim 42 has been canceled, claim 52 has been added and claims 1-21 were previously cancelled. Currently, claims 22-41 and 43-52 are pending.

Information Disclosure Statement

3. The Information Disclosure Statements (IDS) filed by Applicant on 12/23/2009 and 06/01/2010 have been received and considered. Copies of the reviewed IDS(s) are enclosed with this Office action.

Response to Arguments

4. Applicant's arguments filed 02/16/2010 have been fully considered but they are not persuasive.

Regarding Applicant's arguments with respect to claim 22 and its dependents (see Remarks, pages 9-10) that none of the cited references, alone or in combination, discloses "wherein the second dataset is used in the computer game that depicts the real geographic locale as part of the play scenario of the computer game, the play scenario including a predetermined theme that governs game play of the computer game", Examiner respectfully disagrees. Broadly,

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“play scenario” can be interpreted as a set of events/activities of the game, and “a predetermined theme” that governs game play of the computer game can be interpreted as any subject/topic of the game. Trovato teaches in [column 2, lines 35-45] that the game includes a set of commands which allows users to act in the game environment, wherein user activities/actions based on user choices/commands can be interpreted as play scenario as recited. In addition, Trovato teaches in Fig. 4, a sample screen for a simplified version of a game using the environment according to his invention, which is a simulated city (see [column 2, lines 10-35]), wherein a simulated city created based on real world data depicts a real geographic locale as recited and the simulated city or environment as illustrated in Fig. 4 is presented as part of the play scenario (i.e. where the events/activities take place). Obviously, every game also has some topic or subject, for instance, Fig. 4 suggests a topic of driving in the simulated city; broadly, a particular environment (i.e., simulated city) where the game takes place can be interpreted as its theme.

Note that, based on broad interpretation of the claimed language, the disclosed games in Paulauskas et al. can read on the recited “wherein the second dataset is used in the computer game that depicts the real geographic locale as part of the play scenario of the computer game, the play scenario including a predetermined theme that governs game play of the computer game”. For instance, see Fig. 8, while user are driving in Chicago, the screen displays a map which depicts a road segment in Chicago while the questions about Chicago city are provided to the users wherein providing and answering questions are interpreted as play scenario of the game and Chicago City is the theme of the game.

Regarding Applicant's arguments with respect to claim 34, claim 35, claim 51 and their dependents (see Remarks, pages 10-12 and 13-14) that neither Paukauskas et al. nor Trovato disclose a computer game having a play scenario and providing a geographic data tool set that provides a spatial search function that retrieves data representing all road segments in a sub-area from the second set of data based on a location specific query that identifies the sub-area, Examiner respectfully disagrees. Broadly, "play scenario" can be interpreted as a set of events/activities of the game. Trovato teaches in [column 2, lines 35-45] that the game includes a set of commands which allows users to act in the game environment, wherein user activities/actions based on user choices/commands can be interpreted as play scenario as recited. Trovato teaches in [column 3, lines 25-40] for choosing a new part of the electronic map data to grow an environment wherein a part of the map data is interpreted as a sub-area. Since Trovato disclose the electronic map data as a set of electronic maps (see [column 2, lines 10-20] wherein each electronic map represents a place (i.e., sub-area), selecting an electronic map will extract/select/retrieve data representing road segments in the respective place from the set of electronic maps and request for an electronic map of a specific place can be interpreted as equivalent to location specific query as recited.

Regarding Applicant's argument with respect to claim 48 (see Remarks, pages 12-13) that neither Paukauskas et al. nor Trovato disclose a computer game having a play scenario, Examiner respectfully disagrees. Broadly, "play scenario" can be interpreted as a set of events/activities of the game. Trovato teaches in [column 2, lines 35-45] that the game includes

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a set of commands which allows users to act in the game environment, wherein user activities/actions based on user choices/commands can be interpreted as play scenario as recited.

Regarding Applicant's argument with respect to claim 48 (see Remarks, pages 12-13) that neither Paukauskas et al. nor Trovato disclose that there is no teaching or suggestion of using spatial query on the second dataset to develop the computer game in which the selected area is defined by a longitude and latitude point and a radial distance from the longitude and latitude point, this argument is moot in view of new ground of rejection for claim 48.

Regarding Applicant's argument with respect to claims 29 and 44 that none of the cited references teach or suggest of providing at least a portion of the second dataset to each of a plurality of end-user computing platforms in which the end-user computing platforms use the second dataset to represent geographic features in a play scenario, Examiner respectfully disagrees. Broadly, a plurality of end-user computing platforms are interpreted as a plurality of devices (e.g., computer, game machine/devices/system, etc.) used by users. Trovato teaches in [column 1, lines 55 to column 2, line 50] a network game including an electronic environment (i.e., a simulated city) accessed by a plurality of users using their respective computing systems (end-user computing platforms). In order to display geographic features (i.e., streets of a city) as in Fig. 4, on the user computer system, data from the server must be provided to the user/client systems.

Regarding Applicant's argument with respect to claim 50 (see Remarks, page 14) that combination of the references does not disclose that a geographic data tool set is provided to develop a computer game in which the geographic data tool set is configured to request data representing road segments within a selected area by defining a rectangular area having specified geographic boundaries in a spatial query, Examiner respectfully disagrees. Broadly, a geographic data tool set as recited can be interpreted as any code/function/module/software used to access geographic data, and spatial query is interpreted as any query based on position or location. All references teach accessing geographical data, thus they all include a data tool set as recited. In particular, Trovato teaches (see [column 3, lines 25-30]) selecting a part of the electronic map (i.e., spatial query for extracting only road segments in that part of the electronic map) for developing an enriched environment for playing game. However, Trovato does not explicitly teach selecting a part of the electronic map as selecting a rectangular area on the map (i.e., selected area is defined by a rectangular area). Halt et al. is combined for teaching this specific feature of request data representing road segments within a selected area by defining a rectangular area having specified geographic boundaries in a spatial query (see Halt et al., [column 6, lines 13-30] and [column 10, lines 25-55] wherein a request to access data based on boundary coordinates is a spatial query).

Applicant's argument with respect to claim 52 (see Remarks, pages 14-15) is moot in view of new ground of rejection for claim 52.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 22-24, 28, 30-32, 34, 35, 41, 45-47, 49 and 51 (effective conception date 1/21/2003, effective filing date 03/11/2004) is rejected under 35 U.S.C. 103(a) as being unpatentable over Paulauskas et al. (US Patent No 6,401,033 issued on 6/4/2002) in view of Trovato (US Patent No 6,183,364 issued on 2/6/2001).

As to claim 22, Paulauskas et al. teaches:

“A computer implemented method for deriving at least two products from a source geographic database, the source geographic database comprising data representing real-world geographic features wherein the at least two products comprising a first dataset and a second dataset, the second dataset used for depicting a real geographic locale as part of a play scenario for a computer game” (see Paulauskas et al., [column 3, lines 35-55] wherein each storage medium with an appropriate data for a geographic region is interpreted as a product from the geographic data 70 (source) including information about one or more geographic regions or coverage areas; note that language “used for” suggests “intended uses” which have no patentable weight and require no demonstration in the art), the method comprising:

“extracting the first dataset from the source geographic database” (see Paulauskas et al., [column 3, lines 42-50] wherein portion (e.g., some or all) of the geographic data can be broadly considered as a first dataset);

“writing the first dataset to a first computer-readable medium; (see Paulauskas et al., [column 3, lines 48-50]);

“providing the first dataset, wherein at least a portion of the first dataset is used in a real-world navigation system” (see Paulauskas et al., [column 4, lines 5-45]);

“extracting the second dataset from the source geographic database” (see Paulauskas et al., [column 3, lines 42-50] wherein portion (e.g., some or all) of the geographic data can be broadly considered as a second dataset; also see [column 3, lines 53-55] wherein each storage medium with appropriate data for a geographic region represents a separate dataset);

“writing the second dataset to a second computer-readable medium” (see Paulauskas et al., [column 3, lines 53-55] wherein each storage medium with appropriate data for a geographic region represents a separate dataset); and

“providing the second dataset, wherein at least a portion of the second dataset is used in a computer-game system” (see Paulauskas et al., [column 9, lines 56-62]).

However, Paulauskas et al. does not teach:

“wherein the second dataset is used in computer games that depict real geographic locales as part of play scenarios of the computer games”.

On the other hand, Trovato teaches:

“wherein the second dataset is used in computer games that depict real geographic locales as part of play scenarios of the computer games, the play scenario including a predetermined theme that governs game play of the computer game” (see Trovato, [column 2, lines 10-40] and [column 3, lines 25-30] wherein electronic map data provided to environment grower is interpreted as second dataset, and environments (e.g., simulated city) created based on real word data (i.e., electronic maps) and used in games is interpreted as real geographic locales as part of play scenarios as recited; also see [column 3, lines 4-6] and Fig. 4 for building multiple games in the same environment (i.e., simulated city) wherein each game must have game rules which govern how to play the game wherein game rules is interpreted as equivalent to theme of the play scenario).

It would be obvious to a person having ordinary skill in the art at the time the invention was made to have incorporate the teaching of Trovato into Paulauskas et al.'s system. A skilled artisan would have been motivated to do so as suggested by Trovato in [column 2, lines 20-35]

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and [column 3, lines 4-6] that electronic maps digitized enough real world data to provide places for users to play and a rich environment (i.e., simulated city) to build multiple games.

As to claim 23, this claim is rejected based on arguments given above for rejected claim 22 and is similarly rejected including the following:

Paulauskas et al. and Trovato teach:

“wherein the real-world navigation system is selected from a group consisting of: in-vehicle navigation systems, hand-held portable navigation system, personal computers, personal digital assistants, pagers, and telephones” (see Paulauskas et al., [column 2, lines 30-43]).

As to claim 24, this claim is rejected based on arguments given above for rejected claim 22 and is similarly rejected including the following:

Paulauskas et al. and Trovato teach:

“wherein using at least a portion of the first dataset in a real-world navigation system comprises providing a service selected from a set consisting of route calculation, route guidance, vehicle positioning, map display, and electronic yellow pages” (see Paulauskas et al., [column 3, lines 1-15] and [column 4, lines 15-26]).

As to claim 28, this claim is rejected based on arguments given above for rejected claim 22 and is similarly rejected including the following:

Paulauskas et al. and Trovato teach:

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“combining at least a portion of the second dataset with a computer-game component selected from a set consisting of: characters, game logic, vehicles, game rules, rendering logic, and graphic logic” (see Paulauskas et al., [column 4, lines 58-62] for combining geographic data with game rules).

As to claim 30, this claim is rejected based on arguments given above for rejected claim 22 and is similarly rejected including the following:

Paulauskas et al. and Trovato teach:

“accessing the second set of data using an application programming interface” (see Paulauskas et al., [column 6, lines 15-20] wherein the game application must obtain data from the geographic database through an application programming interface).

As to claim 31, this claim is rejected based on arguments given above for rejected claim 22 and is similarly rejected including the following:

Paulauskas et al. and Trovato teach:

“accessing the second set of data using a spatial query” (see Paulauskas et al., [column 8, lines 27-30] and [column 9, lines 20-30] wherein query based on location is interpreted as spatial query).

As to claim 32, this claim is rejected based on arguments given above for rejected claim 22 and is similarly rejected including the following:

Paulauskas et al. and Trovato teach:

“extracting data from the second set of data using spatial criteria” (see Paulauskas et al., [column 6, lines 15-25] wherein obtaining only sign text information along the route upon which the vehicle is traveling indicates the use of spatial criteria).

As to claim 34, Paulauskas et al. teaches:

“A computer-readable medium having computer-executable instructions stored thereon for performing a method for deriving at least two products from a source geographic database, the source geographic database comprising data representing real-world geographic features” (see Paulauskas et al., [column 3, lines 35-55] wherein each storage medium with an appropriate data for a geographic region is interpreted as a product from the geographic data 70 (source) including information about one or more geographic regions or coverage areas), the method comprising:

“extracting a first dataset from the source geographic database” (see Paulauskas et al., [column 3, lines 42-50] wherein portion (e.g., some or all) of the geographic data can be broadly considered as a first dataset);

“writing the first dataset to a first computer-readable medium; (see Paulauskas et al., [column 3, lines 48-50]);

“providing the first dataset for use in supplying a navigation-related function in a real-world navigation system” (see Paulauskas et al., [column 4, lines 5-45]);

“extracting a second dataset from the source geographic database” (see Paulauskas et al., [column 3, lines 42-50] wherein portion (e.g., some or all) of the geographic data can be broadly

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considered as a second dataset; also see [column 3, lines 53-55] wherein each storage medium with appropriate data for a geographic region represents a separate dataset);

“writing the second dataset to a second computer-readable medium” (see Paulauskas et al., [column 3, lines 53-55] wherein each storage medium with appropriate data for a geographic region represents a separate dataset);

“providing the second dataset and a geographic data tool for developing a computer game” (see Paulauskas et al., [column 4, lines 58-64] for providing geographical data (second dataset) and game applications (geographical data tool) for creating games); and

“wherein the geographic data tool set is adapted to extract all data corresponding to a sub-area from the second dataset based on a location input” (see Paulauskas et al., Fig. 3 and [column 4, lines 58-63], in response to vehicle position input, a game application obtains geo data from database wherein game application can be interpreted as data tool set as recited).

However, Paulauskas et al. does not teach:

“providing the second dataset and a geographic data tool set for developing a computer game that depicts a real geographic locale as part of play scenarios of the computer games”

On the other hand, Trovato teaches:

“providing the second dataset and a geographic data tool set for developing a computer game that depicts a real geographic locale as part of play scenarios of the computer games” (see Trovato, [column 2, lines 10-40] and [column 3, lines 25-30] wherein electronic map data and environment grower is interpreted as second dataset and geographic data tool set, and environments (e.g., simulated city) created based on real word data (i.e., electronic maps) and used in games is interpreted as real geographic locales as part of play scenarios as recited).

It would be obvious to a person having ordinary skill in the art at the time the invention was made to have incorporate the teaching of Trovato into Paulauskas et al.'s system. A skilled artisan would have been motivated to do so as suggested by Trovato in [column 2, lines 20-35] and [column 3, lines 4-6] that electronic maps digitized enough real world data to provide places for users to play and a rich environment (i.e., simulated city) to build multiple games.

As to claim 35, Paulauskas et al. teaches:

“A method of using a source database for forming derived products, wherein the source database contains data that represent geographic features in a region including roads in the region” ((see Paulauskas et al., [column 3, lines 35-55] wherein each storage medium with an appropriate data for a geographic region is interpreted as a product from the geographic data 70 (source) including information about one or more geographic regions or coverage areas), the method comprising:

“providing a first set of data from the source database to a first developer, the first set of data stored in a first computer-readable medium, wherein the first developer uses the first set of data in systems that provide navigation-related features, wherein the first set of data represents at least some of the geographic features in the region and further wherein the first set of data includes attributes suitable for use for providing navigation-related functions” (see Paulauskas et al., [column 3, lines 43-47] and [column 4, lines 10-45]);

“providing a second set of data from the source database to a second developer and a geographical data tool set to a second developer, the second set of data stored in a second computer-readable medium, wherein the second developer uses the second set of data and the

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geographical data tool set to develop computer games” (see Paulauskas et al., [column 4, lines 58-62] for using geographic data (second set of data) by game application (geographical data tool set); note that any software using geographical data can be interpreted as geographical data tool set).

However, Paulauskas et al. does not teach:

“wherein the second dataset represents at least some of the geographic features in the region as part of play scenarios of the computer games”, and.

“wherein the geographic data tool set provides a spatial search function that retrieves data representing all road segments in a sub-area from the second set of data based on a location specific query that identifies the sub-area”.

On the other hand, Trovato teaches:

“wherein the second dataset represents at least some of the geographic features in the region as part of play scenarios of the computer games” (see Trovato, [column 2, lines 10-40] and [column 3, lines 25-30] wherein electronic map data and environment grower is interpreted as second dataset and geographic data tool set, and environments (e.g., simulated city) created based on real word data (i.e., electronic maps) and used in games is interpreted as real geographic locales as part of play scenarios as recited), and

“wherein the geographic data tool set provides a spatial search function that retrieves data representing all road segments in a sub-area from the second set of data based on a location specific query that identifies the sub-area” (see Trovato, [column 3, lines 25-40] for choosing a new part of the electronic map data to grow an environment wherein a part of the map is

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interpreted as a sub-area; also see [column 2, lines 10-20] wherein map data includes data representing all road segments as recited).

It would be obvious to a person having ordinary skill in the art at the time the invention was made to have incorporate the teaching of Trovato into Paulauskas et al.'s system. A skilled artisan would have been motivated to do so as suggested by Trovato in [column 2, lines 20-35] and [column 3, lines 4-6] that electronic maps digitized enough real world data to provide places for users to play and a rich environment (i.e., simulated city) to build multiple games.

As to claim 41, this claim is rejected based on arguments given above for rejected claim 35 and is similarly rejected including the following:

Paulauskas et al. and Trovato teach:

“wherein the second set of data is accessed using an application programming interface” (see Paulauskas et al., [column 6, lines 15-20] wherein the game application must obtain data from the geographic database through an application programming interface).

As to claim 45, this claim is rejected based on arguments given above for rejected claim 35 and is similarly rejected including the following:

Paulauskas et al. and Trovato teach:

“wherein the second set of data is combined with other game-related components to form computer games” (see Paulauskas et al., [column 4, lines 58-63] for combining geographical data (second set of data) with game data).

As to claim 46, this claim is rejected based on arguments given above for rejected claim 35 and is similarly rejected including the following:

Paulauskas et al. and Trovato teach:

“wherein the second set of data is combined with a computer-game components to form the computer games, wherein the other game-related components include at least one of a group consisting of: characters, game logic, vehicles, game rules, rendering logic, and graphic logic” (see Paulauskas et al., [column 4, lines 58-62] for combining geographic data with game rules; and see Trovato, [column 2, lines 35-65]).

As to claim 47, this claim is rejected based on arguments given above for rejected claim 34 and is similarly rejected including the following:

Paulauskas et al. and Trovato teach:

“wherein the sub-area comprises a city, and wherein the location input includes identification of the city” (see Paulauskas et al., [column 3, lines 42-55] for extracting a portion of the geographic database to store on the user system; see Trovato, [column 2, lines 30-33] and [column 3, lines [column 25-33] for selecting a part of map data to grow an environment (e.g., a simulated city)).

As to claim 49, this claim is rejected based on arguments given above for rejected claim 51 and is similarly rejected including the following:

Paulauskas et al. and Trovato teach:

“wherein the selected area is defined by a longitude and latitude point and a radial distance from the longitude and latitude point” (see Paulauskas et al., [column 3, lines 1-30] for navigation features including requesting for data of an area defined by a location and a radius from the location; also see Trovato, [column 3, lines 25-30] for selecting a part of the map data).

As to claim 51, Paulauskas et al. teaches:

"A method of facilitating development of computer games" (see Paulauskas et al., Abstract), the method comprising:

“extracting a dataset from a source geographic database” (see Paulauskas et al., [column 3, lines 43-45] for extracting a portion of geographic data),

“wherein the source geographic database includes data that represent roads in a road network in a real world geographic locale including geographic coordinates of positions of the roads, street names of the roads, address ranges along the roads, turn restrictions at intersections of the roads, road connectivity and road shape" (see Paulauskas et al., [column 4, lines 15-45]).

However, Paulauskas et al. does not teach:

“providing the dataset and a geographic data tool set for developing a computer game that depicts a real geographic locale as part of a play scenario”;

“wherein the geographic data tool set is configured to request data representing all road segments in a selected area from the second dataset as a function of a spatial query, the spatial query defining the selected area”.

On the other hand, Trovato teaches:

“providing the second dataset and a geographic data tool set for developing a computer game that depicts a real geographic locale as part of a play scenario” (see Trovato, [column 2, lines 10-40] and [column 3, lines 25-30] for providing electronic map data and environment grower, which is interpreted as second dataset and geographic data tool set respectively, and environments (e.g., simulated city) created based on real word data (i.e., electronic maps) and used in games is interpreted as real geographic locales as part of play scenarios as recited), and

“wherein the geographic data tool set is configured to request data representing all road segments in a selected area from the second dataset as a function of a spatial query, the spatial query defining the selected area” (see Trovato, [column 3, lines 25-40] for choosing a new part of the electronic map data to grow an environment wherein a part of the map is interpreted as a sub-area; also see [column 2, lines 10-20] wherein map data includes data representing all road segments as recited).

It would be obvious to a person having ordinary skill in the art at the time the invention was made to have incorporate the teaching of Trovato into Paulauskas et al.’s system. A skilled artisan would have been motivated to do so as suggested by Trovato in [column 2, lines 20-35] and [column 3, lines 4-6] that electronic maps digitized enough real world data to provide places for users to play and a rich environment (i.e., simulated city) to build multiple games.

8. Claims 25, 27, 33, 36, 38-40 and 43 (effective conception date 1/21/2003, effective filing date 03/11/2004) are rejected under 35 U.S.C. 103(a) as being unpatentable over Paulauskas et al. (US Patent No 6,401,033 issued on 6/4/2002) in view of Trovato (US Patent No 6,183,364

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issued on 2/6/2001), and further in view of Koller et al. (“Virtual GIS: A Real-Time 3D Geographic Information System”, IEEE: 1995).

As to claims 25 and 36, Paulauskas et al. and Trovato teach all limitations as recited in claims 22 and 35 respectively.

However, Paulauskas et al. and Trovato do not explicitly teach “combining at least a portion of the second dataset with a road-model dataset to provide a realistic visual appearance of roads; wherein the road-model dataset is separate from the source geographic database”.

On the other hand, Koller et al. teaches “combining at least a portion of the second dataset with a road-model dataset to provide a realistic visual appearance of roads; wherein the road-model dataset is separate from the source geographic database” (see Koller et al., [page 96, column 1, paragraph 2] and [page 96, column 2, paragraph 4] for combining geographic information database (second dataset) and models of roads, trees, buildings, vehicles (road-model dataset)).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to incorporate the teaching of Koller et al. into Paulauskas et al.’s system (as modified by Trovato). One having ordinary skill in the art would have found it motivated to do so to effectively provide realistic visual appearance of roads in the region, thereby improving the graphical representation of system. In addition, a suggestion of combination with Koller et al. is indicated in Trovato, [column 2, lines 20-35].

As to claims 27 and 38-40, Paulauskas et al. and Trovato teach all limitations as recited in claims 22 and 35 respectively.

However, Paulauskas et al. and Trovato do not teach “combining at least a portion of the second dataset with a 3D-model dataset to provide a realistic visual presentation of a feature selected from a set consisting of: polygon-shape features, cityscape features, landscape features, buildings, fences, trees, shrubbery, lawns, and clouds; wherein the 3D-model dataset is separate from the source geographic database”.

On the other hand, Koller et al. teaches “combining at least a portion of the second dataset with a 3D-model dataset to provide a realistic visual presentation of a feature selected from a set consisting of: polygon-shape features, cityscape features, landscape features, buildings, fences, trees, shrubbery, lawns, and clouds; wherein the 3D-model dataset is separate from the source geographic database” (see Koller et al., [page 95, column 2, paragraph 2-4], [page 96, column 1, paragraph 2 and 3] and [page 96, column 2, paragraph 4] for combining geographic information database (second data set) with 3D models of shapes, trees, buildings, roads, waterways (3D-model dataset).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to incorporate the teaching of Koller et al. into Paulauskas et al.’s system (as modified by Trovato). A skilled artisan would have been motivated to do so in order to provide a realistic visual representation of features in the region thereby providing an effective way to build computer game scenes with more realistic views which plays a key role in attracting computer game users. In addition, a suggestion of combination with Koller et al. is indicated in Trovato, [column 2, lines 20-35].

As to claims 33 and 43, Paulauskas et al. and Trovato teach all limitations as recited in claims 22 and 35 respectively.

However, Paulauskas et al. and Trovato do not teach “filtering data from the second set of data to provide a desired level of accuracy”.

On the other hand, Koller et al. teaches “filtering data from the second set of data to provide a desired level of accuracy” (see Koller et al., [page 97, column 1, paragraph 3-5]).

It would be obvious to a person having ordinary skill in the art at the time the invention was made to have incorporate the teaching of Koller et al. into Paulauskas et al.’s system (as modified by Trovato). A skilled artisan would have been motivated to do so to provide the computer game developers with a flexible and effective way to get only a set of data needed to render pictures with desired level of accuracy in their computer games. In addition, a suggestion of combination with Koller et al. is indicated in Trovato, [column 2, lines 20-35].

9. Claims 26 and 37 (effective conception date 1/21/2003, effective filing date 03/11/2004) are rejected under 35 U.S.C. 103(a) as being unpatentable over Paulauskas et al. (US Patent No 6,401,033 issued on 6/4/2002), in view of Trovato (US Patent No 6,183,364 issued on 2/6/2001) and Koller et al. (“Virtual GIS: A Real-Time 3D Geographic Information System”, IEEE: 1995), and further in view of Freedman (Map Quests, 2/2004).

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As to claim 26, Paulauskas et al., Trovato and Koller et al. teach all limitations of claim 25.

However, Paulauskas et al., Trovato and Koller et al. do not explicitly teach “wherein the road-model dataset comprises a feature selected from a set consisting of: road-pavement colors, lane-stripe markings, curbs, sidewalks, signs, lampposts, land dividers, traffic signals, speed bumps, and crosswalks”.

On the other hand, Freedman teaches “wherein the road-model dataset comprises a feature selected from a set consisting of: road-pavement colors, lane-stripe markings, curbs, sidewalks, signs, lampposts, land dividers, traffic signals, speed bumps, and crosswalks” (see Freedman, see the picture of game “True Crime: Streets of LA”).

It would be obvious to a person having ordinary skill in the art at the time the invention was made to have incorporate the teaching of Freedman into Paulauskas et al.’s system (as modified by Trovato and Koller et al.). A skilled artisan would have been motivated to do so to in order to provide a realistic visual representation of roads with its related features thereby providing an effective way to build computer game scenes with more realistic views which plays a key role in attracting computer game users.

As to claim 37, Paulauskas et al. and Trovato teach all limitations as recited in claim 35.

However, Paulauskas et al. and Trovato do not explicitly teach “combining at least a portion of the second dataset with a road-model dataset to provide a realistic visual appearance of roads in the region”.

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On the other hand, Koller et al. teaches “combining at least a portion of the second dataset with a road-model dataset to provide a realistic visual appearance of roads in the region” (see Koller et al., [page 96, column 1, paragraph 2] and [page 96, column 2, paragraph 4] for combining geographic information database (second dataset) and models of roads, trees, buildings, vehicles (road-model dataset)).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to incorporate the teaching of Koller et al. into Paulauskas et al.’s system (as modified by Trovato). One having ordinary skill in the art would have found it motivated to do so to effectively provide realistic visual appearance of roads in the region, thereby improving the graphical representation of system. In addition, a suggestion of combination with Koller et al. is indicated in Trovato, [column 2, lines 20-35].

However, Paulauskas et al., Trovato and Koller et al. do not explicitly teach

“wherein the road-model dataset comprises a feature selected from a set consisting of: road-pavement colors, lane-stripe markings, curbs, sidewalks, signs, lampposts, land dividers, traffic signals, speed bumps, and crosswalks”.

On the other hand, Freedman teaches “wherein the road-model dataset comprises a feature selected from a set consisting of: road-pavement colors, lane-stripe markings, curbs, sidewalks, signs, lampposts, land dividers, traffic signals, speed bumps, and crosswalks” (see Freedman, see the picture of game “True Crime: Streets of LA”).

It would be obvious to a person having ordinary skill in the art at the time the invention was made to have incorporate the teaching of Freedman into Paulauskas et al.’s system (as modified by Trovato and Koller et al.). A skilled artisan would have been motivated to do so to

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in order to provide a realistic visual representation of roads with its related features thereby providing an effective way to build computer game scenes with more realistic views which plays a key role in attracting computer game users.

10. Claims 29 and 44 (effective conception date 1/21/2003, effective filing date 03/11/2004) are rejected under 35 U.S.C. 103(a) as being unpatentable over Paulauskas et al. (US Patent No 6,401,033 issued on 6/4/2002) in view of Trovato (US Patent No 6,183,364 issued on 2/6/2001), and further in view of Freedman (Map Quests, 2/2004).

As to claims 29 and 44, Paulauskas et al. and Trovato teach all limitations of claims 22 and 35 respectively.

However, Paulauskas et al. and Trovato do not explicitly teach:

“providing at least a portion of the second dataset to each of a plurality of end-user computing platforms”; and

“on each of the plurality of end-user computing platforms, using at least a portion of second dataset to represent geographic features in a play scenario of a computer game”.

On the other hand, Freedman teaches:

“providing at least a portion of the second dataset to each of a plurality of end-user computing platforms” (see Freedman, under “True Crime: Streets of LA”, wherein satellite imagery, GPS and geological surveys provides geographic data to the game which operates on multiple computing platforms (e.g., PS2, GameCube, Xbox)); and

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“on each of the plurality of end-user computing platforms, using at least a portion of second dataset to represent geographic features in a play scenario of a computer game” (see Freedman, under “True Crime: Streets of LA”, presenting streets of LA as game scenes).

It would be obvious to a person having ordinary skill in the art at the time the invention was made to have incorporate the teaching of Freedman into Paulauskas et al.’s system (as modified by Trovato). A skilled artisan would have been motivated to do so in order to provide a realistic scenes in virtual game environment, thereby providing computer games with realistic real-life views which plays a key role in attracting computer game users.

11. Claim 48 (effective conception date 1/21/2003, effective filing date 03/11/2004) is rejected under 35 U.S.C. 103(a) as being unpatentable over Paulauskas et al. (US Patent No 6,401,033 issued on 6/4/2002) in view of Trovato (US Patent No 6,183,364 issued on 2/6/2001), and further in view of Yang et al. (US Publication No 2002/0198694, publication date 12/26/2002).

As to claim 48, Paulauskas et al. teaches:

“A computer implemented method of using a source geographic database, the source geographic database comprising data representing real-world geographic features” (see Paulauskas et al., [column 1, lines 33-42]), the method comprising:

“extracting a first dataset from the source geographic database” (see Paulauskas et al., [column 3, lines 43-46] wherein a portion is interpreted as dataset);

“writing the first dataset to a first computer-readable medium” (see Paulauskas et al., [column 3, lines 48-50]);

“providing the first dataset for use in supplying a navigation-related function in a real-world navigation system” (see Paulauskas et al., [column 3, lines 34-36]);

“extracting a second dataset from the source geographic database” (see Paulauskas et al., [column 3, lines 53-55] wherein each set of data for a geographic region represents a dataset from the geographic data/database);

“writing the second dataset to a second computer-readable medium” (see Paulauskas et al., [column 3, lines 53-55]).

However, Paulauskas et al. does not teach:

“providing the second dataset and a geographic data tool set for developing a computer game that depicts a real geographic locale as part of a play scenario”;

“wherein the geographic data tool set is configured to request data representing all road segments in a selected area from the second dataset as a function of a spatial query, the spatial query defining the selected area”.

On the other hand, Trovato teaches:

“providing the second dataset and a geographic data tool set for developing a computer game that depicts a real geographic locale as part of a play scenario” (see Trovato, [column 2, lines 10-40] and [column 3, lines 25-30] for providing electronic map data and environment grower, which is interpreted as second dataset and geographic data tool set respectively, and environments (e.g., simulated city) created based on real word data (i.e., electronic maps) and used in games is interpreted as real geographic locales as part of play scenarios as recited), and

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“wherein the geographic data tool set is configured to request data representing all road segments in a selected area from the second dataset as a function of a spatial query, the spatial query defining the selected area” (see Trovato, [column 3, lines 25-40] for choosing a new part of the electronic map data to grow an environment wherein a part of the map is interpreted as a sub-area; also see [column 2, lines 10-20] wherein map data includes data representing all road segments as recited).

It would be obvious to a person having ordinary skill in the art at the time the invention was made to have incorporate the teaching of Trovato into Paulauskas et al.’s system. A skilled artisan would have been motivated to do so as suggested by Trovato in [column 2, lines 20-35] and [column 3, lines 4-6] that electronic maps digitized enough real world data to provide places for users to play and a rich environment (i.e., simulated city) to build multiple games.

However, Paulauskas et al. and Trovato do not explicitly teach:

“wherein the selected area is defined by a longitude and latitude point and a radial distance from the longitude and latitude point”.

On the other hand, Yang et al. teaches:

“wherein the selected area is defined by a longitude and latitude point and a radial distance from the longitude and latitude point” (see Yang et al., [0033] and [0035] and for identifying roads with 2 miles (radial distance) from a landmark of interest (a longitude and latitude point)).

It would be obvious to a person having ordinary skill in the art at the time the invention was made to have incorporate the teaching of Yang et al. into Paulauskas et al.’s system (as modified by Trovato). A skilled artisan would have been motivated to do so in order to

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provide an effective way to access data from the geographic database. In addition, both references (Paulauskas et al. and Yang et al.) teach features that are directed to analogous art and they are directed to the same field of endeavor, such as, geographical database, accessing and using geographical data. This close relation between both of the references highly suggests an expectation of success.

12. Claim 50 ((effective conception date 1/21/2003, effective filing date 03/11/2004) is rejected under 35 U.S.C. 103(a) as being unpatentable over Paulauskas et al. (US Patent No 6,401,033 issued on 6/4/2002) in view of Trovato (US Patent No 6,183,364 issued on 2/6/2001), and further in view of Halt et al. (US Patent No 6,343,301, patent date 1/29/2002).

As to claim 50, Paulauskas et al. and Trovato teach all limitations as recited in claim 48.

However, Paulauskas et al. and Trovato do not explicitly teach:

“wherein the selected area is defined by a rectangular having specified geographic boundaries”.

On the other hand, Halt et al. teaches:

“wherein the selected area is defined by a rectangular having specified geographic boundaries” (see Halt et al., [column 6, lines 12-30] and [column 10, lines 25-50]).

It would be obvious to a person having ordinary skill in the art at the time the invention was made to have incorporate the teaching of Halt et al. into Paulauskas et al.’s system (as modified by Trovato). A skilled artisan would have been motivated to do so to in order to provide an effective way to access data from the geographic database. In addition, both

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references (Paulauskas et al. and Halt et al.) teach features that are directed to analogous art and they are directed to the same field of endeavor, such as, geographical database, accessing and using geographical data. This close relation between both of the references highly suggests an expectation of success.

13. Claim 52 ((effective conception date 1/21/2003, effective filing date 03/11/2004) is rejected under 35 U.S.C. 103(a) as being unpatentable over Paulauskas et al. (US Patent No 6,401,033 issued on 6/4/2002) in view of Trovato (US Patent No 6,183,364 issued on 2/6/2001), and further in view of Street of SimCity (Wikipedia reference, Street of SimCity game released on 1997).

Regarding claim 52, Paulauskas et al. and Trovato teaches all limitations as recited in claim 51. In addition, Trovato teaches simulated city created from real-world geographical data as game environment where different game can be played/built in the environment or simulated city (see Trovato, [column 2, lines 10-35] and [column 3, lines 4-6]). However, Paulauskas et al. and Trovato do not explicitly teach:

“wherein the computer game is a type selected from a group consisting of: a car chasing game and a "bot" fighter game”.

On the other hand, Streets of SimCity teaches:

“wherein the computer game is a type selected from a group consisting of: a car chasing game and a "bot" fighter game” (see Streets of SimCity, first paragraph of page 1, for the teaching of Streets of SimCity game as a 1997 racing and vehicular combat computer game).

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It would be obvious to a person having ordinary skill in the art at the time the invention was made to have incorporate the teaching of Streets of SimCity into Paulauskas et al.'s system (as modified by Trovato). An ordinarily skilled artisan would have been motivated to do so as suggested by Streets of SimCity game which is a car racing and fighter game played/build in a simulated city to develop a car chasing or fight game in the simulated city created from the real-world geographical data as disclosed in Trovato.

Conclusion

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuong-Thao Cao whose telephone number is (571)272-2735. The examiner can normally be reached on 8:30 AM - 5:00 PM (Mon - Fri).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571) 272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Hung T Vy/
Primary Examiner, Art Unit 2163

Phuong-Thao Cao, Examiner
Art Unit 2164
May 25, 2010